

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

BARRY W. THOMAS,)
)
Plaintiff,)
)
v.) Case No.: 3:05-cv-507-RJC
)
VONAGE AMERICA INC.,)
)
Defendant.)
)

ORDER OF DISMISSAL

Plaintiff Barry W. Thomas and Defendant Vonage America, Inc., have agreed to the dismissal with prejudice of Vonage from this action pursuant to Rule 41 of the Federal Rules of Civil Procedure. (Doc. No. 90). The Court is of the opinion that the motion should be granted.

THEREFORE, IT IS ORDERED that the above-entitled cause and all claims made by Thomas against Vonage and all claims made by Vonage against Thomas therein are **HEREBY DISMISSED** with prejudice to the re-filing of same. All costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

This is a final judgment.

Signed: September 21, 2007



Robert J. Conrad, Jr.
Chief United States District Judge
